

REMARKS

Claims 1-4, 6-16 and 18 are pending, and claims 19-34 remain withdrawn. By this Amendment, no claims are cancelled, no claims are amended and no new claims are added.

**Claim Rejections – 35 U.S.C. § 112**

Claims 1-4, 6-16, and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the rejections.

With respect to the limitation in claims 1, 12, and 18 of a cut extending about ninety percent of a thickness of the dough intermediate, Applicants point the Examiner to the specification as originally filed on page 12, paragraph 64, which recites, in pertinent part, “[t]he cuts formed...may run nearly the entire thickness of the dough intermediate, up to 98% of the dough intermediate or more preferably ranging from *approximately* 90 to about 98% of the thickness...” Applicants submit that the terms “about” and “approximately” can be used synonymously.

With respect to the limitation of refrigerating or freezing after the partial finishing step or refrigerating or freezing the partially baked dough, Applicants point the Examiner to the specification as originally filed on page 12, paragraph 65, which recites, in pertinent part, “[t]he partially baked or ‘par-baked’ dough intermediate may then be stored at refrigerated or under frozen conditions.” Applicants respectfully request withdrawal of the rejections.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-4, 6-16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the book “Breads” in view of the book “Professional Baking” and the book “Baking with Julia.” Applicants respectfully traverse the rejections.

None of the cited references, taken alone or in combination, disclose or suggest the limitation of subjecting the dough intermediate to an intermediate heat or energy treatment step, and a refrigeration or freezing step after the intermediate heat or energy treatment step such that the dough intermediate with the sealing layer yields an enhanced crown or cap and BSV of greater than 3 ml/g after a final finishing step.

As stated in the previously filed Amendment After Final of September 22, 2008, Applicants respectfully disagree that “[i]t would have been obvious to one skilled in the art to determine the optimum BSV for the particular dough made,” as stated on page 5 of the Office Action. The present disclosure is directed to an intermediate dough product that, by application of a plasticizing agent to an entirety of its external surface prior to any heat or energy treatment step is able to be par-baked, subsequently refrigerated and/or frozen, and then subjected to a finishing step without compromising final BSV or product quality.

As stated in the Background section of the present disclosure at page 2, paragraph 5, “[o]ne of the difficulties associated with frozen and refrigerated dough products that make up today’s food service offerings and retail product presentations is that the products do not increase significantly in volume or size from that of their frozen or refrigerated condition.” Applicants have found a new and non-obvious way to solve this problem. As discussed in the Summary of

the Invention (see page 3, paragraphs 10 and 11), “[t]he plasticizing agent is applied so as to substantially coat an external surface of the intermediate to form a plasticized layer on the external surface of the dough intermediate. The plasticized layer forms a partially sealed layer that increases the fluidity of the dough intermediate rheology, slows dehydration of the dough surface, and allows for additional expansion capacity...When the dough intermediate is subjected to a finishing step, the dough intermediate with the plasticized layer yields an enhanced crown or cap and baked specific volume of greater than 3 ml/g...One of the most important characteristics of a baked product is the product's baked specific volume...” Further, as Applicants described on page 5, paragraph 23, “[s]urprisingly, it has been found that by applying a liquid fat or oil to the surface of the dough intermediate *prior* to a finishing step...that a baked food product can be obtained having enhanced oven spring (volume that increases during proofing and baking)...” (emphasis added).

Applicants respectfully submit that the Examiner has not pointed to any evidence that one of ordinary skill in the art would look to the teachings of “Breads,” “Professional Baking,” or “Baking with Julia,” taken alone or in combination, to come to a solution as claimed in the present invention for the above-stated problem to create a resulting final baked dough product that has improved organoleptic properties.

The cited references are directed to preparation of baked products by professional bakers or at-home bakers. On the other hand, dough intermediates of the present disclosure can be mass produced in large volumes which can require further handling, transporting, and/or storage. The dough intermediates of the present disclosure require refrigeration and freezer handle-ability and tolerance because it can oftentimes take days and weeks before the consumer or ultimate baker

subjects the dough intermediate to a final finishing step, such as a heat treatment step like baking. In contrast, the cited references teach the fresh-at-home or fresh-in-the-bakery users how to make baked goods that do not require as much, or any, tolerance to handling, temperature changes, storage, shelf-life, etc.

In particular, the “Breads” reference teaches “Rolls – Quickly Shaped and Speedily Baked” and other bread recipes and techniques for forming and baking in immediate subsequent steps, without concern for the final BSV after the intermediate product has been refrigerated and/or frozen, as it is directed to the professional baker or the at-home baker. The “Baking with Julia” reference teaches making different artisan bread by different cutting or indentation. The “Professional Baking” reference teaches the functions of fats in baked items without concern for the final BSV after the intermediate product has been refrigerated and/or frozen, again as it is directed to the professional baker or the at-home baker. All three references are silent with regards to subjecting the dough intermediate to an intermediate heat or energy treatment step, and a refrigeration or freezing step after the intermediate heat or energy treatment step such that the dough intermediate with the sealing layer yields an enhanced crown or cap and BSV of greater than 3 ml/g after a final finishing step.

It is respectfully submitted that claims 1, 12, and 18 are allowable. Claims 2-5 and 6-11 depend from claim 1, and claims 13-16 depend from claim 12, and are allowable for at least the same reasons the underlying base claims are allowable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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